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Attorney for Defendant
ERICK DAVID LOPEZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-08-0342 SI
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING SENTENCING DATE
vs.)	<u>OF ERICK DAVID LOPEZ</u>
)	
ERICK DAVID LOPEZ,)	
)	
Defendant.)	
)	
)	
)	

Plaintiff UNITED STATES OF AMERICA, through its counsel of record, Assistant United States Attorney W. S. Wilson Leung, and defendant ERICK DAVID LOPEZ, through his counsel of record, Peter Goodman, hereby stipulate and agree as follows:

1. The sentencing hearing in this matter is presently scheduled to proceed on April 24, 2009, at 11:00 a.m. before this Court after defendant LOPEZ has found guilty at a bench trial held on January 22, 2009, of illegal possession of a handgun on March 30, 2008, in violation of 18 U.S.C. §922(g)(5)(A), and illegally reentering the United States in violation of 8 U.S.C. §1326(a).

2. On October 16, 2008, a fifty-two count indictment was returned in this district in *United States v. Cerna, et al.*, CR-08-730 WHA, charging defendant LOPEZ and twenty-one other defendants with participating in a RICO conspiracy to commit murder, robbery, extortion and various drug offenses. Overt Act No. 49 alleges as part

1 of the conspiracy that defendant LOPEZ possessed the same handgun on the same
2 date he was convicted of possessing in this case.

3 3. The government has been providing discovery in the *Cerna* case since
4 December of 2008 and its production of discovery is not yet complete. Counsel for
5 defendant LOPEZ is continuing to review that discovery as it becomes available and
6 believes the government production will be completed in the next sixty to ninety days.

7 4. Defense counsel is reluctant to have defendant LOPEZ meet with the
8 probation officer assigned to this case, Constance M. Cook, and discuss the facts
9 surrounding his possession of the handgun charged in the *Cerna* indictment until he
10 and his counsel have had an opportunity to review all of the discovery in that case.
11 Defense counsel has discussed delaying the preparation of the probation report with
12 Ms. Cook and she is agreeable to doing so.

13 5. For these reasons, the parties hereby stipulate and request that the
14 sentencing hearing in this matter be continued to July 24, 2009, at 11:00 a.m.

15 SO STIPULATED

16 DATED:

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19 /s/
W.S. WILSON LEUNG
Assistant United States Attorney

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21 SO STIPULATED

22 DATED

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24 /s/
PETER GOODMAN
Attorney for Defendant
ERICK DAVID LOPEZ

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1 IT IS SO ORDERED

2 DATED:

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5 SUSAN ILLSTON
6 United States District Court Judge
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